

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16078 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused in Crime No.192 of 2024 of Bommalararamaram Police Station, Rachakonda.

2. The brief facts of the case are that on 10.10.2024 at 13.00 hours, ASI of Police along with constables while conducting area patrolling, he received a credible information that some persons to take up blasting work, without having any valid licenses. Hence, a case was registered *vide* Crime No. 192 of 2024 of Bommalararamaram Police Station, Rachakonda, for the offences punishable under Sections 288, 125 of BNS and Section 9(B) (1)9(b) of Explosive Act and Section 4 and 5 of Explosive Substances Amendment Act, 2001.

3. Heard Sri Mutyala Muralidhar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar

Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner *firstly* submitted that though there is no corroborative evidence, the petitioner is falsely implicated in the case only based on the confession statement of accused No.1. He *secondly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *thirdly* submitted that the allegations against the petitioner as per the contents of the FIR is that the A1 purchased 10 gelatine sticks, 20 Detonators from the petitioner is baseless because of there is no any kind of explosive substances neither seized nor recovered from the possession of A1 at the time of panchanama. He fourthly submitted that the offences under Sections 288, 125, 9(B)(1)(b) Explosive Act and Section 4 and 5 of Explosive Substances Act, does not attracted the petitioner. He *lastly* submitted that no criminal antecedents was pending against the petitioner and prayed the Court to grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the

petitioner stating that the allegations leveled against the petitioner is serious in nature and the investigation is not yet completed, therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, offences under Sections 288, 125, 9(B)(1)(b) Explosive Act and Section 4 and 5 of Explosive Substances Act, does not attracted the petitioner and except Sections 4 and 5 of Explosive Substances Amendment Act, remaining Sections of the petition shows that the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years. It apparent that except omnibus allegations there are no specific allegations against the petitioner and it is pertinent to note that material part of the investigation is also completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S.Bommalaramaram, Rachakonda within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioners shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioners shall abide by the other conditions stipulated in Section

482(2) of Bharatiya Nagarik Suraksha
Sanhita, 2023.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 02.01.2025
gv

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